

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CODY D. BRUMMETTE,

Plaintiff,

vs.

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

No. 1:15-CV-3111-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

ECF Nos. 15, 21, 28

BEFORE THE COURT is the Report and Recommendation issued by Magistrate Judge Mary K. Dimke on September 12, 2016, ECF No. 28, recommending Plaintiff's Motion for Summary Judgment, ECF No. 15, be denied and Defendant's Motion for Summary Judgment, ECF No. 21, be granted. No objection was filed. After review, the Court hereby adopts the Report and Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 1

1. The Report and Recommendation, **ECF No. 28**, is **ADOPTED** in its entirety.

2. Plaintiff's Motion for Summary Judgment, ECF No. 15, is DENIED.

3. Defendant's Motion for Summary Judgment, ECF No. 21, is

## **GRANTED.**

The District Court Executive is directed to file this Order and forward copies to the parties. Judgment shall be entered for Defendant and the file shall be **CLOSED**.

DATED September 28, 2016.

s/Fred Van Sickle  
Fred Van Sickle  
Senior United States District Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANT  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ~ 2**